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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,805	11/26/2003	Loic Grebonval	18,967	8193

23556 7590 10/27/2005

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

NGUYEN, JOHN QUOC

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,805

Applicant(s)

GREBONVAL ET AL.

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4 and 28-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/23/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicant's election without traverse of the species of figs. 1-4, claims 1, 2, and 5-27 in the reply filed on 6/30/05 is acknowledged.

Claims 3, 4, and 28-62 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/30/05. It should be noted that claim 36 does not read on the elected species.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 6-9, 12-17, 19, 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by FitzSimons et al (US-6899250).

Fitzsimons et al discloses a wet and dry towel dispenser (especially figs. 4-8) having substantially all the claimed features including base 12 including a shroud, a support member including element/spindle 30 or 42 which is attached to all elements of the base. Openings 24 and 34 expose a portion of the roll. The angle is about 0 degrees (claim 12) and about 90 degrees (claim 13). The gap of claim 15 reads on openings 24 or 34. Note dispensing cover 28 and sealing ring surrounding dispensing opening 26. Relative to claim 19, note hinge 29. A portion of compartment 14 or 16 can also be a storage compartment. Relative to claim 23, note fig. 4 showing a refill cover 44. If the roll is a small roll with only a few convolutions, then it is deemed that at least 10 percent is exposed.

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Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over FitzSimons et al (US-6899250).

Since the roll appears to be a standard roll, the spindle is deemed to have the claimed dimensions or, alternatively, the claimed dimensions would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria, space optimization, and costs.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over FitzSimons et al (US-6899250).

Compressible seals such as o-rings and gaskets are old and well known in the art and Official notice of such is hereby taken. Therefore the use of such a compressible seal in the cover which would then inherently spring open the cover would have been obvious to a person having ordinary skill in the art to provide a more effective seal of the dispensing opening.

Claims 20, 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over FitzSimons et al (US-6899250) in view of Bando et al (US-6206221). Bando et al discloses another similar apparatus in which a dispensing cover 23 springs open by activating a button 90. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of FitzSimons et al with a cover and button as taught by Bando et al to facilitate opening the dispensing cover. A soft-pack wet wipe

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package 40 with a removable sheet 45 is used as the source of wet wipe. That the removable sheet is a label would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference and design criteria and also since such is also old and well known in the art and Official notice of such is hereby taken. It would have been obvious to a person having ordinary skill in the art to provide the wet wipe package of Fitzsimons as a soft-pack as taught by Bando et al to facilitate inserting the package into the dispenser.

Claims 1, 2, 5-19, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over FitzSimons et al (US-6899250) in view of Wakam (US-6405972).

Fitzsimons et al discloses a wet and dry towel dispenser (especially figs. 4-8) having substantially all the claimed features including base 12 including a shroud, a support member including element/spindle 30 or 42 which is attached to all elements of the base. Openings 24 and 34 expose a portion of the roll. The angle is about 0 degrees (claim 12) and about 90 degrees (claim 13). The gap of claim 15 reads on openings 24 or 34. Note dispensing cover 28 and sealing ring surrounding dispensing opening 26. Relative to claim 19, note hinge 29. A portion of compartment 14 or 16 can also be a storage compartment. Relative to claim 23, note fig. 4 showing a refill cover 44. Wakam discloses another similar apparatus in which an opening 150 is provided to facilitate dispensing. It is deemed that at least 25% of the roll is exposed by this opening. It would have been obvious to a person having ordinary skill in the art to provide the opening of Fitzsimons et al as one taught by Wakam to facilitate grabbing

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the paper and dispensing. Since the rolls of Fitzsimons et al and Wakam appear to be standard rolls, the spindle is deemed to have the claimed dimensions or, alternatively, the claimed dimensions would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria, space optimization, and costs. Compressible seals such as o-rings and gaskets are old and well known in the art and Official notice of such is hereby taken. Therefore the use of such a compressible seal in the cover which would then inherently spring open the cover would have been obvious to a person having ordinary skill in the art to provide a more effective seal of the dispensing opening.

Claims 20, 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over FitzSimons et al in view of Wakam as applied to claims 1, 2, 5-19, 22-26 above, and further in view of Bando et al (US-6206221)

Bando et al discloses another similar apparatus in which a dispensing cover 23 springs open by activating a button 90. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of FitzSimons et al with a cover and button as taught by Bando et al to facilitate opening the dispensing cover. A soft-pack wet wipe package 40 with a removable sheet 45 is used as the source of wet wipe. That the removable sheet is a label would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference and design criteria and also since such is also old and well known in the art and Official notice of such is hereby taken. It would have been obvious to a person

having ordinary skill in the art to provide the wet wipe package of Fitzsimons as a soft-pack as taught by Bando et al to facilitate inserting the package into the dispenser.

Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments to those claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

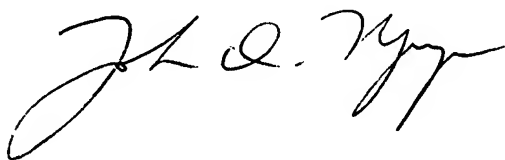
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-

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6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John Q. Nguyen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Q. Nguyen
Primary Examiner
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